

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39091 of 2024

Arising Out of PS. Case No.-101 Year-2019 Thana- AURANGABAD TOWN District-
Aurangabad

=====

Rajeshwar Kumar Rajan @ Rajeshwar Rajan S/O Sri Umesh Kumar Singh
R/O Mohalla- Chitragupta Nagar, Club Road, P.S- Aurangabad Sadar, Distt.-
Aurangabad, Present Address Village And Post- Sisai, P.S- Goriya Kothi,
Distt.- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Swati Kumari W/O Rajeshwar Kumar Rajan, D/O Praveen Kumar R/O
Village- Pema, Post- Dadar, P.S- Goh, Distt.- Aurangabad, Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms. Roona, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-09-2025 Heard Ms. Roona, learned counsel appearing on

behalf of the petitioner and Mr. Chandra Sen Prasad Singh,

learned A.P.P. for the State.

2. The present application has been filed for quashing
the F.I.R. in connection with Aurangabad Town P.S. Case no.
101 of 2019 registered under Sections 341, 342, 323, 379,
498A, 506 of the Indian Penal Code and Sections 3, 4 of the
Dowry Prohibition Act.

3. At the outset, it is informed by the learned counsel
appearing on behalf of the petitioner that the parties have
arrived at a mutual settlement and the petitioner has agreed to



give a lumpsum amount of Rs. 12,50,000/- to the informant, who is his wife. Learned counsel further informs that an application under Section 13B of the Hindu Marriage Act, 1955 has jointly been filed by the petitioner (husband) and the opposite party no. 2 (wife) before the learned District Court for mutual dissolution of their marriage on certain terms and conditions, however, the same is pending. Learned counsel, in this view, submitted that no case is made out against the petitioner and the FIR in connection with the aforesaid case is fit to be set aside and quashed in light of the law laid down by the Apex Court in the case of **B.S. Joshi v. State of Haryana**, reported in, (2003) 4 SCC 675; **Gian Singh v. State of Punjab**, reported in (2012) 10 SCC 303; **Jitendra Raghuvanshi & Ors. Vs. Babita Raghuvanshi & Ors.**, reported in (2013) 4 SCC 58 and **Yogendra Yadav & Ors. Vs. State of Jharkhand & Anr.** reported in (2014) 9 SCC 653.

4. In view of the application jointly filed under Section 13B of the Hindu Marriage Act, 1955 by the petitioner (husband) and the opposite party no. 2 (wife) before the learned District Court for mutual dissolution of their marriage on certain terms and conditions, which is pending, I find that in light of the law laid down by the Apex Court, as discussed hereinabove,



continuation of the criminal proceeding against the petitioner will be abuse of process of law.

5. Accordingly, the FIR in connection with Aurangabad Town P.S. Case no. 101 of 2019 is hereby **set aside and quashed.**

6. The quashing application stands disposed of.

7. Interlocutory application(s), if any, also stands disposed of.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

